

DETAILED ACTION

Claims 3, 4, 8-11, 16, 19, 22, and 23 are pending in the instant application.

Amendments

The amendment filed on February 12, 2010 has been acknowledged and has been entered into the instant application file.

Previous Claim Rejections - 35 USC § 112

Claim 16 was previously rejected under 35 U.S.C. 112, first paragraph, because the specification, does not reasonably provide enablement for ablating tumors with endogenous nitroreductase enzymes.

The Applicant's amendments and arguments have been found to be persuasive as the endogenous nitroreductase enzyme is produced in the cell after it has been transfected with a vector encoding the nitroreductase enzyme in a region of hypoxia. The rejection is withdrawn.

Conclusion

Claims 3, 4, 8-11, 16, 19, 22, and 23 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Kosack whose telephone number is (571)272-5575. The examiner can normally be reached on M-Th 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph R Kosack/
Examiner, Art Unit 1626